

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Suspension or)	
Revocation of the Educator)	CONSENT ORDER OF
Certificate of)	VOLUNTARY SURRENDER
Brian C. Livingston)	
Certificate 205029)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on January 11, 2006. On October 12, 2005, the State Board issued an Order of Summary Suspension of South Carolina educator certificate 205029 based on pending criminal charges against Brian C. Livingston. Mr. Livingston was notified of the summary suspension on October 13, 2005, as well as his right to a hearing regarding the possible suspension or revocation of his South Carolina educator certificate. Mr. Livingston now has agreed, through his attorney, to waive his right to a hearing and to voluntarily surrender his educator certificate. After considering the information presented, the State Board voted to accept the voluntary surrender of Mr. Livingston's certificate.

Brian C.
Livingston

Initials

Date

FINDINGS OF FACT

Mr. Livingston holds an expired South Carolina one-year interim certificate (2001-02), and previously participated in the alternative certification program. He did not complete the program requirements. During the 2004-05 school year, Mr. Livingston served as a substitute teacher at Kingstree Senior High School in Williamsburg County School District (District). On February 23, 2005, Mr. Livingston was arrested for Committing Lewd Act Upon a Child Under Sixteen. Mr. Livingston admitted that while serving as a substitute teacher, he inappropriately touched a female student on the neck, shoulders and breast.

CONCLUSIONS OF LAW

The South Carolina State Board of Education may, for just cause, either revoke or suspend the certificate of any person. S.C. Code Ann. § 59-25-150 (2004); 24 S.C. Code Ann. Regs. 43-58 (1991). Just cause includes unprofessional conduct, crimes against the laws of this State or the United States, and evident unfitness for position held. S.C. Code Ann. § 59-25-160 (2004). The State Board finds that there is sufficient information to support its decision to accept the voluntary surrender of Mr. Livingston's educator certificate. At the end of three years from the date of this Order, Mr. Livingston may reapply for a teaching certificate by written request to the Department's Office of Educator Certification. If he chooses to reapply for certification, Mr. Livingston must pass a character and fitness review by the State Board and meet all current certification requirements.

South Carolina State Board of Education

By: /S/ Joe Isaac

Joe Isaac
Chair

Columbia, South Carolina

January 11, 2006

I, Brian C. Livingston, S.C. Educator Certificate 205029, do hereby agree to the proposed voluntary surrender of my certificate and understand that this Consent Order of Voluntary Surrender, consisting of two pages, will be presented as signed to the State Board of Education on January 11, 2006.

Brian C. Livingston

Date